

RESOLUTION 2017 – 39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, DECLARING THE RESULTS OF THE AUGUST 29, 2017, SPECIAL ELECTION AND DECLARING THE RESULTS OF THE REFERENDUM OF PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to state law, the Canvassing Board has certified the results of the August 29, 2017, election from the returns on file at the Lake County Supervisor of Election’s Office; and

WHEREAS, the provisions of this Resolution implement the power and the right of the City Council to declare the results of the election;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Umatilla as follows:

Section 1. Findings

The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. Declaration of Results of Charter Referendum Ballot Questions

The City Council of the City of Umatilla hereby declares results of the August 29, 2017, Charter Referendum Amendments as provided to the City Council by the Canvassing Board hereto as Exhibit “A”:

Ballot Question Number 1: Umatilla City Charter – Powers of the City. Currently, the Charter provides that the city may charge a special tax for the purpose of giving publicity to the advantages, facilities, and production of the City. This Amendment removes the city’s authority to levy this publicity tax.

YES 206 NO 55
Proposed Amendment Adopted

Ballot Question Number 2: Umatilla City Charter – City Council Term Limits. Under the current Charter there are term limits of 12 consecutive years or 3 terms for Council Members. This amendment retains and clarifies the term limits but allows Council Members who have reached term limits to regain eligibility to run for City Council after sitting out one election cycle of two years.

YES 110 NO 155
Proposed Amendment Failed

Ballot Question Number 3: Umatilla City Charter – Canvass of Returns. The current Charter contains a section pertaining to Canvass of Returns. This amendment removed Article VI, Section 7 Canvass of Returned which became obsolete when the Help America Vote Act became law on October 29, 2002.

YES 197 NO 50
Proposed Amendment Adopted

Ballot Question Number 4: Umatilla City Charter – City Council Meetings. Under the current Charter, the newly elected officials are seated during the first meeting in January. This amendment designates the first meeting after the election results are certified as the date the officials take office, aligning City Council terms of office more closely with County Commission terms.

YES 231 NO 31
Proposed Amendment Adopted

Ballot Question Number 5: Umatilla City Charter – City Council Special Meetings. Under the current Charter, Special meetings may be called with six hours’ notice to Council Members, and Citizens may review records of Special Meetings. To conform to the requirements of Florida’s open government laws, this amendment requires reasonable public notice of a Special Meeting and provides a right for the public to attend Special Meetings.

YES 237 NO 26
Proposed Amendment Adopted

Ballot Question Number 6: Limits on Airport Expansion; Removal of Referendum Requirement.

Under the current Charter, the City may expand, or acquire real property to expand, the Municipal Airport with prior voter approval. The proposed amendment to Article XII, Section 1.10 replaces the voter approval requirement with a requirement that City Council find that a particular expansion or acquisition serves a valid municipal purpose or is reasonably calculated to promote safety, compliance with laws and regulations, or economic development.

YES 138 NO 123
Proposed Amendment Adopted

Ballot Question Number 7: Umatilla City Charter – Limit Number of Runways at Airport. Under the current Charter, the City may expand, or acquire real property to expand, the Municipal Airport with prior voter approval. There is no restriction on the number of runways in service at the Airport. The proposed amendment to Article XII, Section 1.10 would prohibit placing more than one runway into service.

YES 160 NO 93
Proposed Amendment Adopted

Ballot Question Number 8: Limit on Length of Runways at Airport. Under the current Charter, the City may expand, or acquire real property to expand, the Municipal Airport with prior voter approval. There is currently no restriction on runway length. The proposed amendment to Article XII, Section 1.10 would prohibit constructing a runway exceeding 3,000 linear feet in length at the Airport.

YES 178 NO 73
Proposed Amendment Adopted

Section 3. Effect of Results of Charter Amendments

The Council hereby declares the amendments to the City Charter, attached to this resolution as Exhibit “B” reflects the approved amendments with underlining; ~~strikethrough~~ constitutes deletions to the original text of the Charter.

Section 4. Directions to City Clerk

Pursuant to F.S. 166.031, the City Clerk shall ensure that the Charter amendments are sent to the code codifiers for incorporation into the Charter and shall send the revised Charter to the Department of State.

Section 5. Conflicts

All resolutions in conflict with the provisions of this resolution are hereby repealed.

Section 6. Severability

If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this resolution.

Section 7. Effective Date

This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Umatilla, this 5th of September, 2017.


Mary C. Johnson
Mayor

ATTEST:

Approved as to Form:
STONE & GERKEN, P.A.


Karen H. Howard, CMC
City Clerk


Kevin Stone/Grant Watson/Lewis Stone
City Attorney

Passed First Reading: September 5, 2017
(SEAL)

EXHIBIT A
ELECTION SUMMARY
OFFICIAL RESULTS
UMATILLA SPECIAL ELECTION
AUGUST 29, 2017

ELECTION SUMMARY

Official Umatilla Spc Ele
 August 29, 2017
 Lake County, Florida

OFFICIAL RESULTS

Print Date:08/31/17 05:38 PM

Report EL45A

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	TOTAL VOTES	%	AV-VBM	ED-PAPER	ED-TS	PV-EDPAPR	PV-EDTS
PRECINCTS COUNTED (OF 2)	2	100.00					
REGISTERED VOTERS - TOTAL	2,207						
BALLOTS CAST - TOTAL	267		81	185	0	1	0
VOTER TURNOUT - TOTAL		12.10					
Ballot Question Number 1							
(Vote for up to) 1							
Yes	206	78.93	57	148	0	1	0
No.	55	21.07	21	34	0	0	0
Over Votes	0		0	0	0	0	0
Under Votes	6		3	3	0	0	0
Ballot Question Number 2							
(Vote for up to) 1							
Yes	110	41.51	38	72	0	0	0
No.	155	58.49	43	111	0	1	0
Over Votes	0		0	0	0	0	0
Under Votes	2		0	2	0	0	0
Ballot Question Number 3							
(Vote for up to) 1							
Yes	197	79.76	47	149	0	1	0
No.	50	20.24	24	26	0	0	0
Over Votes	0		0	0	0	0	0
Under Votes	20		10	10	0	0	0
Ballot Question Number 4							
(Vote for up to) 1							
Yes	231	88.17	71	159	0	1	0
No.	31	11.83	10	21	0	0	0
Over Votes	2		0	2	0	0	0
Under Votes	3		0	3	0	0	0
Ballot Question Number 5							
(Vote for up to) 1							
Yes	237	90.11	74	162	0	1	0
No.	26	9.89	6	20	0	0	0
Over Votes	0		0	0	0	0	0
Under Votes	4		1	3	0	0	0
Ballot Question Number 6							
(Vote for up to) 1							
Yes	138	52.87	38	100	0	0	0
No.	123	47.13	41	81	0	1	0
Over Votes	0		0	0	0	0	0
Under Votes	6		2	4	0	0	0

ELECTION SUMMARY

Official Umatilla Spc Ele
August 29, 2017
Lake County, Florida

OFFICIAL RESULTS

Run Date:08/31/17 05:38 PM

Report EL45A

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	TOTAL VOTES	%	AV-VBM	ED-PAPER	ED-TS	PV-EDPAPR	PV-EDTS
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Ballot Question Number 7

(Vote for up to) 1

Yes	160	63.24	49	110	0	1	0
No.	93	36.76	26	67	0	0	0
Over Votes	1		0	1	0	0	0
Under Votes	13		6	7	0	0	0

Ballot Question Number 8

(Vote for up to) 1

Yes	178	70.92	51	126	0	1	0
No.	73	29.08	22	51	0	0	0
Over Votes	0		0	0	0	0	0
Under Votes	16		8	8	0	0	0

EXHIBIT B
AMENDMENTS TO CITY CHARTER

ARTICLE III – CITY COUNCIL

Section 2. - Selection.

The first regular election under this act shall be held on the first Tuesday after the first Monday of November 2008, at which time an election for Council Seat Four and Council Seat Five will be held, and the term of these seats will continue to be two (2) years. However, commencing at the election held on the first Tuesday after the first Monday of November 2010, Council Seat Four and Council Seat Five will thereafter hold their office for a term of four (4) years.

The second regular election under this act shall be held on the first Tuesday after the first Monday of November 2009, at which time an election for Council Seat One, Council Seat Two and Council Seat Three will be held, and the term of these seats will be three (3) years. However, commencing at the election held on the first Tuesday after the first Monday of November 2012, Council Seat One, Council Seat Two and Council Seat Three will thereafter hold their office for a term of four (4) years.

Each of such officers or councilmen, elected thereto, shall be inducted into office and their terms of office shall begin at 12:00 o'clock noon of the day of the first regular meeting in January of the next year ensuing. ~~the first meeting after the election results are certified.~~ Each such election shall be in accordance with the general laws of the State of Florida and such acts applicable to municipal elections of Lake County, Florida. All electors who shall possess the qualifications requisite to an elector at a general state election and who shall have been a resident of the City of Umatilla as defined in this act for a period of six (6) months ⁽⁴⁾ next preceding the day of election and who shall have been duly registered in the manner as provided by ordinance, shall be deemed regular voters at any city election. Registration by the State and County Registrar, as provided for the registration of municipal electors by any special or general act of the State of Florida, applicable to the County of Lake shall be deemed a qualified elector of the City of Umatilla when the provisions of the required ordinances of said City have been met.

Section 3. - Powers of the City.

All powers of the City shall be exercised in the manner prescribed by this Charter, and if the manner be not so described, then in such manner as may be prescribed by ordinance or State law. The City shall have all the powers granted to municipal corporations and to cities and towns by the Constitution and General Laws of this State, including the power of eminent domain, together with all the implied powers necessary to execute all the powers granted. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or in any lesser interest or estate, whether by purchase, gift, contract, devise, lease or condemnation, and may sell, lease, pledge, mortgage, hold, manage and control such property as its interests may require, and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every nature and name whatsoever, now or hereafter provided by Statute or Constitution. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such power, it is intended that the City shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter, specifically to enumerate. The City shall have the power to designate or appoint such person or persons either officer or employee to be the chief executive officer and head the administrative branch and functions of the City Government. Such person to be responsible to the Council for the proper administration of such affairs of the City as shall be delegated to him by ordinance of the City of Umatilla, but in no event shall any such ordinance of appointment be by emergency procedure. ~~The City of Umatilla is hereby authorized to levy a special tax annually, ⁽³⁾ not to exceed one (1) mill, upon real and personal property or both to be assessed and collected as municipal tax for the purpose of giving publicity to the advantages, facilities and production of the City.~~

Section 14. - Special Meetings; How Called.

The President of the Council, or any two (2) members of the Council, or the City Clerk may call Special Meetings of the Council. ~~upon at least six (6) hours written notice to each member, served personally or left at his usual place of residence, or place of business, with a responsible person thereat. Special meetings may be called with reasonable public notice. of a Special Meeting and provides a right for the public to attend Special Meetings.~~ Any citizen shall have access to the minutes and records thereof at all reasonable times.

ARTICLE VI. - ELECTION AND RECALL ⁽⁵⁾

Section 7. – Canvass of Returns.

~~The Polls shall open and close at the same hour, or time, required under General Law of the State of Florida for the opening and closing of polls for State elections. The result of the voting when ascertained, shall be certified by the return in duplicate, signed by the Clerk and a majority~~

~~of the inspectors of the elections; one copy being delivered by such Clerk and Inspectors, to the Mayor and the other to the City Council at a meeting to be held at twelve o'clock noon on the day following the election. At such meeting, the City Council shall canvass the returns and the result as shown by such returns shall be by the Council declared as the result of the election. The City Clerk shall, not later than noon of the second day after the election, furnish a Certificate of Election to each person shown to have been elected.~~

ARTICLE XII. - IMPROVEMENTS^[9]

Section 1.10. - Authority of city to make improvements upon the municipal airport.

~~There shall be no expansion of the Municipal Airport of the City of Umatilla or acquisition of real property either by gift or purchase for the purpose of expanding the Municipal Airport of the City of Umatilla, without prior approval of the electorate of the City of Umatilla at a general election or special election called for that purpose. The City Council may expand or acquire real property to expand the Municipal Airport upon finding that a particular expansion or acquisition serves a valid municipal purpose, or is reasonably calculated to promote safety, compliance with laws and regulations, or economic development.~~

There is a prohibition upon placing more than one runway into service at the Umatilla Municipal Airport.

There is a prohibition upon construction of a runway exceeding 3,000 linear feet.